

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CUSTOMER NO. 26645

In re Application of: David B. Skursha, et al.

Serial No.: 10/700,207

Examiner: Michael P. Nghiem

Filed: November 3, 2003

Art Unit: 2863

For: ON-LINE MONITORING THAT COMPENSATES FOR A FLUID'S
TEMPERATURE DEPENDENCE

Honorable Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Declaration Under 37 CFR 1.137(b)

Applicants hereby petition, through their attorney, that the above-identified application be restored to a pending file, that the abandonment be held unintentional and that the accompanying amendment be entered in this application.

The facts and circumstances surrounding the unintentional abandonment of this application are as follows:

- (i) Applicants received a Notice of Abandonment from the USPTO dated August 23, 2005 for failure to make a proper reply. The USPTO received Applicants' June 10, 2005 response but found it was not fully responsive to the pending Office Action.
- (ii) Applicants filed a petition to revive the application on September 26, 2005 and received a receipt stamped by the USPTO on September 28, 2005. This petition states that the inventors believed the prior response was fully responsive and asks that the abandonment be found

CERTIFICATE OF EFS SUBMISSION (37 C.F.R. § 1.8(a)(i)(1)(C))

I hereby certify that this correspondence is being filed electronically via the USPTO EFS to the Commissioner for Patents, United States Patent & Trademark Office, in accordance with § 1.6(a)(4) on:

May 29, 2008
Date of Deposit

/Nancy S. Dedek/
Deposited by: Nancy S. Dedek

unintentional. A copy of the stamped receipt is included with this response. Applicants have been awaiting USPTO action upon the petition since receiving the stamped mail receipt.

- (iii) As of May 28, 2008, Applicants have not received any additional communication from the USPTO on this case. Applicants checked the status of the case on the USPTO website during the week of May 19th and found that the case was still listed as abandoned and that Applicants' September 26, 2005 petition has not been acted upon.
- (iv) Applicants have included a copy of their September 26, 2005 response with this petition and ask that the case be revived and the response be entered and reviewed.

It is submitted, therefore, that on the basis described above, the abandonment should be held inadvertent, the enclosed amendment should be entered and the case revived. The fee of \$1,540.00 should be charged to Deposit Account No. 12-2275. Accordingly, this petition complies with the requirement for revival of abandonment under 37 CFR 1.137(b).

Respectfully submitted,
THE LUBRIZOL CORPORATION

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